

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

CONSTANCE OMANS,

Plaintiff,

v.

Case No. 3:20-cv-286-J-32PDB

DOLGENCORP, LLC, d/b/a
Dollar General Corp.,

Defendant.

ORDER

This case is before the Court on plaintiff's Motion to Remand (Doc. 7), to which defendant responded in opposition (Doc. 8).

The Court agrees with defendant that premature removal before a removing defendant has sufficient evidence of the amount in controversy is to be avoided. However, in this case, even before defendant was served with the complaint on May 9, 2019, defendant knew that plaintiff was alleging medical bills well in excess of \$75,000. Ongoing discovery and communications by defendant's counsel to plaintiff's counsel on July 23, 2019, further established that more than the requisite amount in controversy was in play. Thus, defendant's removal on March 20, 2020, tied to a demand for judgment dated February 24, 2020, is untimely because the demand for judgment was not the

“other paper” from which defendant could “first ascertain” that the case was removable. 28 U.S.C. § 1446(b)(3).

Accordingly, it is hereby

ORDERED:

1. Plaintiff’s Motion to Remand (Doc. 7) is **granted**; plaintiff’s request for fees and costs contained therein is denied.

2. The Clerk shall remand this case to the Circuit Court, Seventh Judicial Circuit, in and for Flagler County, Florida. Following remand, the Clerk shall close the file.

DONE AND ORDERED in Jacksonville, Florida this 23rd day of April, 2020.



TIMOTHY J. CORRIGAN
United States District Judge

s.
Copies:

Counsel of record

Clerk of Court, Seventh Judicial Circuit Court,
in and for Flagler County, Florida